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Date: June 30, 2003

Signature: *Linda A. Bourg*

(Linda A. Bourg)

Docket No.: HO-P02246US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David L. Becker, et al.

Application No.: 09/890,363

Group Art Unit: 1635

Filed: January 27, 2000

Examiner: S. McGarry

For: FORMULATIONS COMPRISING ANTISENSE
NUCLEOTIDES TO CONNEXINS

RESPONSE TO RESTRICTION REQUIREMENT

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

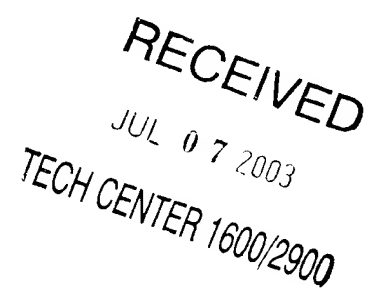
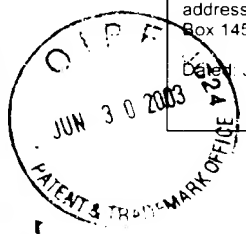
Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed April 30, 2003 (Paper No. 7), Applicant hereby provisionally elects Group III, claims 16, 20-23, 26, 31, 33, and 35 for continued examination with traverse.

Applicant traverses the requirement for restriction between Group I (claims 1-15 and 37-42) and Group III (claims 16, 20-23, 26, 31, 33, and 35).

The Examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (A) separate classification thereof; (B) a separate status in the art when they are classifiable together; or (C) a different field of search. Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions. MPEP 808.02.

The claims in Group I and Group III relate to a single inventive concept. Group III claims are drawn to methods of promoting wound healing via antisense to connexin and Group I claims are drawn to pharmaceutical formulations comprising antisense to connexin



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that can be used in such methods. Accordingly, both groups relate to promoting wound healing using antisense to connexin and thus are within the same technical field. The fields of search for Group I and Group III with thus be the same.

It is the burden of the Examiner to show why restriction is necessary for Group I and Group III, as the classification is the same and the field of search is the same. Additionally, Group I and Group III would not be accorded separate status in the art.

Please charge our Deposit Account, No. 06-2375, under Order No. HO-P02246US0, in the amount of \$110.00 to cover the fee for a one-month extension of time. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02246US0 from which the undersigned is authorized to draw.

Dated: June 30, 2003

Respectfully submitted,

By 

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